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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 10/663,718   | 09/17/2003  | Charles Eric Hunter         | 0108020.0533876     | 2224             |
| 26874 7590 12/02/2009<br>FROST BROWN TODD, LLC<br>2200 PNC CENTER<br>201 E. FIFTH STREET<br>CINCINNATI, OH 45202 |             |                             |                     |                  |
| EXAMINER<br>ALVAREZ, RAQUEL  |             |                             |                     |                  |
| ART UNIT<br>3688   |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>12/02/2009  |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

### Office Action Summary

**Application No.**

10/663,718

**Applicant(s)**

HUNTER ET AL.

**Examiner**

Raquel Alvarez

**Art Unit**

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communication filed on 5/17/2000.
2. Claims 1-9 are presented for examination. Claims 8-9 have been added.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (6,408,278 hereinafter Carney) in view of Hall et al. (6,026,375 hereinafter Hall).

With respect to claims 1-2 and 6, Carney teaches a merchandise system permitting participating merchants to place video or still-image advertisements at selected times and locations on a network of multiple displays screens, and permitting customers of the merchants to respond to the advertisements by placing orders for advertised products through an order processing system (Abstract).

A network including a plurality of display screens (Figure 1, 14a-14n);

Means permitting participating merchants to place video or still-image advertisements at selected times on selected ones of the network's display screens, wherein the means permitting participating merchants to place video or still-image advertisements comprises a means permitting merchants to select particular display screens for placement of advertisements (i.e. by the merchants/clients selecting the

location of where to place the ad for example, Airport in essence he is selecting the display associated with that particular location, which in this case is display device 14n) (Figures 3 and 9);

The advertisements on the displays being configured to promote a product offered for sale by the participating merchants, wherein each advertisement comprises product information related to the product (i.e. the viewers use gathering device 32b to order products or services advertised);

An order processing system that permits customers of the merchants to order products from the array of products offered by the participating merchants on the electronic billboard display advertisements, said order processing system including a customer interface for receiving incoming orders from customers ordering products, and means for communicating sufficient customer and product information to the participating merchant so that the merchant can fulfill the order (i.e. the viewers of the products advertised have sufficient information on the product advertised that they can order the product from the participating merchants)(col. 7, lines 12-17).

With respect to the newly amended feature of the advertisement having a unique product number which is associated with the participant merchant responsible for fulfilling orders for the product associated with the unique product number. Foster teaches a method and apparatus for processing orders from customers in a mobile environment, based on the unique customer's order details and the customer location, the service provider associates the order information to a local facility that can satisfy the particular order (see Figure 1) It would have been obvious to a person of ordinary

skill in the art at the time of Applicant's invention to have included in the advertisement of Carney the teachings of Hall of linking the particular order with a merchant that can fulfill the order because such a modification would **"eliminate or greatly reduce the time the customer spends waiting to receive goods or service"** (In Hall, col. 1, lines 19-22) .

Claims 3-4 further recites a telephone interface including identification means consisting of call no. ID and voice recognition. Hall teaches cellular telephone having voice recognition (col. 5, lines 49-58). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included call no. ID and voice recognition in order to easily identify the caller.

Claims 5 and 7 further recite GPS means for determining the location of customers during the customer's placement of the orders. Hall teaches GPS for determining the customer's geographic location (col. 5, lines 58-65). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included GPS means for determining the location of customers during the customer's placement of the orders in order to determine the location that the user placed the order from.

With respect to claim 8, Hall further teaches the order processing system is further configured to communicate sufficient customer and product information to the

participating merchant so that the merchant can fulfill the order (i.e. transmitting the instructions to the local facility to start preparing the order)(see Figure 6C, step 688). it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the order processing system is further configured to communicate sufficient customer and product information to the participating merchant so that the merchant can fulfill the order in order to facilitate the completion and fulfillment of the order .

With respect to claim 9, Carney further teaches the merchandising system further includes a central processing station to which merchants transmit their advertising content, wherein the merchandising system is further configured to route the advertising content for display at the merchant-selected display screens (i.e. the merchants/clients advertising their content on the general advertising system, the advertising system also allows the individual merchant to display their ads at selected display screen 14n associated for the particular merchant)(Figures 3 and 9).

#### **Response to Arguments**

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

#### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

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Primary Examiner  
Art Unit 3688

R.A.  
11/23/2009